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PLAINTIFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DIANE BEALL FKA TEMPLIN

Plaintiff,

v.

QUALITY LOAN SERVICE CORP

and

ONEWEST BANK, F.S.B. FKA
INDYMAC BANK, FSB

Does 1-10

Defendants

Case No. 10-CV-1900 IEG (WVG)

NOTICE OF RELATED CASE

Mabry v. Orange Superior
Court"(2010), 185 Cal. App.4th
208

**NOTICE OF RELATED CASE IN RESPONSE TO THE DEFENDANT ONWEST
BANK FSB MOTION TO DISMISS CAUSE OF ACTION OF CALIFORNIA CODE
SECTION 2923.5**

Pursuant to Federal Rule of Civil Procedure 83 Plaintiff respectfully request this court to
take Judicial Notice of a related case that is related directly to the case at bar.

THE PERATA MORTGAGE RELIEF ACT

Mabry v. Orange Superior Court"(2010), 185 Cal. App.4th 208. "The Perata Mortgage
Relief Act", California Code §2923.5 became effective in September 2008. The 4th Appellate

1 Court Division Three accepted and heard a Writ of Mandate on May 17, 2010. On June 2, 2010
2 the Court published its Opinion and the decision was immediately effective. The Court of
3 Appeals Decision on California Code § 2923.5 Is Stare Decisis.

4 The Court's published opinion interprets the legislative intent of California Code §2923.5
5 as follows: "May CC §2923.5 be enforced by a private right of action?" "Yes." "Otherwise the
6 statute would be a dead letter." "Must a borrower tender the full amount of the mortgage
7 indebtedness due as a prerequisite to bringing an action under section §2923.5?" "No." "To hold
8 otherwise would defeat the purpose of the statute." "Is §2923.5 preempted by federal law?"
9 "No.". California Code § 2923.5 compliance is prerequisite to Cal. Code §2924. No Tender is
10 Necessary. Attached as notice of related case
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16 Dated: 02/24/2011

Respectfully Submitted;

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Plaintiff BEALL FKA TEMPLIN